

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

HUBERT BERTRAM CORBETT and)	
BRENDA HOVEY CORBETT,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	3:22cv633-MHT
)	(WO)
STEVEN CLARENCE ARMSTRONG,)	
an individual; and GEORGIA)	
POWER COMPANY, a foreign)	
corporation,)	
)	
Defendants.)	

ORDER

It is ORDERED that defendant Georgia Power's motion for summary judgment (Doc. 31) as to the remaining negligence claims against Georgia Power is denied.

The cases upon which Georgia Power relies on the scope of employment issue are distinguishable. Unlike in those cases, *here* the employee had detoured to complete a personal errand between checking in at the office and going to an offsite work location, had completed the personal errand and was driving to the worksite at the time of the accident, and was not

driving between home and work. *Contrast Newsome v. Mead Corp.*, 674 So. 2d 581 (Ala. Civ. App. 1995) (finding that employee who got in accident while driving from his office on personal errand to pick up and bring back dinner for him and his colleagues was not acting within the scope of his employment); *Donaldson v. Country Mutual*, 291 So. 3d 1172, 1178 (Ala. 2019) (finding that driver was not acting within the scope of his employment at the time of the accident, where he was either driving home to eat after completing other personal errands, or according to the opposing side, driving from home to the office after eating lunch, and noting general rule that an employee travelling between his home and office is not acting within scope of employment). When an employee detours during work to take care of personal business, the employer's liability depends in part on how significant the deviation was. *See, e.g., AVCO Corp. v. Richardson*, 234 So. 2d 556, 559-60 (Ala. 1970). The court finds the existence of a genuine dispute of

material fact as to this issue. As for the ratification issue, the court believes that summary judgment should be denied without resolving it.

DONE, this the 4th day of December, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE